

## **AMENDMENTS CLAIMS**

### **In the Claims**

1. (Previously Presented) A marker post comprising:
  - a. a one-piece hollow elongated member, said one-piece hollow elongated member composed of a flexibly resilient polymer plastic, said one-piece hollow elongated member having a first end and a second end, said one-piece hollow elongated member drivable into a top layer of soil;
  - b. a first integral anchoring flap, said anchoring flap having a first end and a second end, said anchoring flap located proximate the second end of said one-piece hollow elongated member; and
  - c. a first flexible living hinge, said anchoring flap attached to the one-piece hollow elongated member at the second end of said anchoring flap by said first flexible living hinge, said anchoring flap moveable from a first closed position to facilitate the handling and transportation of said marker post to a second open position to prevent the withdrawal of said one-piece hollow elongated member from an embedded position and vice versa.
2. (Previously Presented) The marker post of claim 1 including:
  - a. a second integral anchoring flap and a third integral anchoring flap, said second integral anchoring flap and said third integral anchoring flap each having a first end and a second end, said second integral anchoring flap and said third integral anchoring flap each located on said one-piece hollow elongated member proximate the second end of said one-piece hollow elongated member, said first integral anchoring flap and said second integral

anchoring flap and said third integral anchoring flap circumferentially positioned around said one-piece hollow elongated member; and

b. a second flexible living hinge and a third flexible living hinge, said second integral anchoring flap attached to the elongated member at the second end of said second integral anchoring flap by the second flexible living hinge, said third integral anchoring flap attached to the one-piece hollow elongated member at the second end of said third integral anchoring flap by the third flexible living hinge, said second integral anchoring flap and said third integral anchoring flap moveable from a first closed position to facilitate the handling and transportation of said marker post to a second open position to prevent the withdrawal of said one-piece hollow elongated member from an embedded position and vice versa.

3. (Original) The marker post of claim 1 wherein said polymer plastic is polycarbonate or polyethylene.

4. (Previously Presented) The marker post of claim 1 wherein said elongated member is triangular, circular, rectangular or square shaped and said elongated member includes a non-tapered exterior surface.

5. (Previously Presented) The marker post of claim 1 wherein said elongated member and said anchoring flap are weather resistant and said anchoring flap is in a coplanar condition with said marker post when said anchoring flap is in a closed position.

6. (Original) The marker post of claim 1 including a weather resistant cap for covering the first end of said elongated member to prevent rain or snow from entering the elongated member.

7. (Canceled)

8. (Previously Presented) A hollow anchoring marker post comprising:

a. a one-piece triangular shaped elongated member having a first panel, a second panel, and a third panel forming the one-piece triangular shaped elongated member, said one-piece triangular shaped elongated member composed of a flexibly resilient polymer plastic, said one-piece triangular shaped elongated member having a first open end and a second open end, said one-piece triangular shaped elongated member drivable into a top layer of soil;

b. a first anchoring flap, a second anchoring flap, and a third anchoring flap, each of said anchoring flaps having a first end and a second end, each of said anchoring flaps integrally connected to said one-piece triangular shaped elongated member, each of said anchoring flaps located on said one-piece triangular shaped elongated member proximate a the second end of said one-piece triangular shaped elongated member; and

c. a first flexible living hinge, a second flexible living hinge, and a third flexible living hinge; the second end of said first anchoring flap attached to the first panel of said one-piece triangular shaped elongated member by said first flexible living hinge, the second end of said second anchoring flap attached to the second panel of said one-piece triangular shaped elongated member by said second flexible living hinge, the second end of said third anchoring flap attached to the third panel of said one-piece triangular shaped elongated member by said

third flexible living hinge, each of said anchoring flaps moveable from a first closed position to facilitate the handling and transportation of said marker post to a second open position to prevent the withdrawal of said one-piece triangular shaped elongated member from an embedded position and vice versa whereby the flaps has a sufficient memory to stay in the open position until the post can be embedded.

9. (Previously Presented) The hollow one piece anchoring marker post of claim 8 wherein said polymer plastic is polycarbonate or polyethylene.

10. (Canceled)

11. (Currently Amended) The marker post of claim 7 8 wherein said elongated member and said anchoring flaps are weather resistant.

12. (Currently Amended) The marker post of claim 7 8 including a weather resistant cap for covering the first end of said elongated member to prevent rain or snow from entering the elongated member.

13-17. (Canceled)

Respectfully submitted,

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Enclosure